

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,

Defendant.

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Civil Action No.: 1:19-CV-00877

DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUDGE ROBERT PITMAN:

Defendant The University of Texas at Austin (“Defendant”) respectfully requests a one-week extension on its dispositive motion reply deadline, which is presently set for October 29, 2021. Undersigned Counsel has exercised diligence in prosecuting the defense of this case, but the events described in this motion have created the need for additional time. In further support, Defendant would respectfully show the Court as follows:

STANDARD OF REVIEW

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or its extension expires.”¹ The good cause standard requires “the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.”² “Rule 6(b)(1)(A) gives the court wide discretion to grant a request for additional time that is made prior to the expiration of the period originally prescribed or prior to the expiration of the period as

¹ FED. R. CIV. P. 6(b)(1); *see also* FED. R. CIV. P. 16(b)(4) (applying the same good cause standard for modifications to a schedule).

² *S & W Enters., L.L.C. v. Southtrust Bank of Ala., NA*, 315 F.3d 533, 536 (5th Cir. 2003).

extended by a previous order.”³ “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”⁴

ARGUMENTS & AUTHORITIES

Defendant’s Reply in Support of its Motion for Partial Summary Judgment is currently due on October 29, 2021. Defendant seeks a one-week extension, creating a new deadline of November 5, 2021. Defendant’s Lead Counsel is involved in multiple temporary injunction hearings and appeals resulting therefrom. In addition, Defendant’s Lead Counsel has significant managerial responsibilities as Deputy Division Chief. This extension is not sought for delay, and a one-week extension is not intended to—and should not—affect the March 7, 2022 trial date. Dkt. #43. Plaintiff’s counsel is unopposed to this request.

PRAYER

Defendant respectfully submits that the circumstances described in this motion constitute good cause. As such, Defendant respectfully asks the Court for a one-week extension on the dispositive motion reply deadline in this case. If granted, the dispositive motion reply deadline would be moved to November 5, 2021. This motion is unopposed.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

³ Charles Alan Wright & Arthur R. Miller, 4B Fed. Prac. & Proc. Civ. § 1165 (4th ed. April 2017).

⁴ *Id.*

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COUNSEL FOR UT AUSTIN

CERTIFICATE OF CONFERENCE

I hereby certify that on Friday, October 22, 2021, I sent an email to Counsel for Plaintiff Evdokia Nikolova requesting their opposition status to this motion. Plaintiff's Counsel indicated that they are unopposed to this motion.

/s/ Benjamin L. Dower
BENJAMIN L. DOWER
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2021, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower
BENJAMIN L. DOWER
Assistant Attorney General